

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 3-9, 11, 12 and 15-18 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and Remarks as set forth hereinbelow.

ALLOWABLE SUBJECT MATTER

It is gratefully acknowledged that the Examiner considers the subject matter of claims 3, 9 and 15 as being allowable if rewritten in independent form. Although not conceding the appropriateness of the Examiner's rejections, claims 1 and 3 have been rewritten in independent form. In addition, claims 13 and 15 have been rewritten in independent form. It is respectfully submitted that claims 3-6 and 15-18 are now in condition for allowance. With regard to claims 7-9, 11 and 12, the Examiner is respectfully requested to reconsider his rejection in view of the remarks as set forth below.

CLAIM FOR PRIORITY

It is gratefully acknowledged that the Examiner has recognized the Applicant's claim for foreign priority. In view of the fact that the Applicant's claim for foreign priority has been perfected, no additional action is required from the Applicants at this time.

DRAWINGS

The Examiner has not approved the Formal Drawings submitted by the Applicants. It is respectfully submitted that the drawings comply with the requirements of the USPTO. If the Examiner has any objections to the Formal Drawings he is respectfully requested to contact the undersigned as soon as possible so that appropriate action may be taken. No further action is believed to be necessary at this time unless the undersigned receives a notice from the Examiner.

ACKNOWLEDGEMENT OF INFORMATION DISCLOSURE STATEMENT

The Examiner has acknowledged the Information Disclosure Statement filed on November 20, 2001. An initialed copy of the PTO-1449 has been received from the Examiner. No further action is necessary at this time.

The Examiner is advised that the PTO-892 attached to his office action did not list any patents. It is respectfully requested that the Examiner complete the PTO-892 to identify the patents reviewed by the Examiner in connection with this application.

REJECTIONS UNDER 35 USC 102 and 103

Claims 1, 4-7, 10-13 and 16-18 stand rejected under 35 USC 102 as being anticipated by Cormier, Sr., U.S. 6,011,463. Claims 2, 8 and 14 stand rejected under 35 USC 103 as being unpatentable over Cormier, Sr. These rejections are respectfully traversed.

At the outset, claims 1, 2, 10, 13 and 14 have been cancelled. Claims 3 and 15 have been rewritten in independent form to incorporate the subject that the Examiner considered to be allowable. Thus, claims 3-6 and 15-18 are now in condition for allowance. The Examiner's rejections of claims 1-6 and 13-18 have been obviated.

It is respectfully submitted that claims 7-9, 11 and 12 are not anticipated by the prior art cited by the Examiner. As set forth in Section 2131 of the MPEP Original Eight Edition, August 2001 Latest Revision February, 2003, page 2100-70:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. V. Union Oil Co. Of California, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).... "The identical invention must be shown in as complete detail as is contained in the ... claims." Richardson v. Suzuki Motor Co., 868 F2d 1226, 1236, 9 USQP2d 1913, 1920 (Fed. Cir. 1989).

As set forth in claims 7-9, 11 and 12, this embodiment of the present invention sets forth a combination of elements wherein a pressure sensor is mounted on an air valve, the detecting and transmitting circuits are attached to a hub and the pressure sensor and the detecting and transmitting circuit are connected to each other by a harness. As illustrated in Fig. 7 of the present application, one embodiment is illustrated wherein the pressure sensor 81 is mounted on the air valve, the detecting and transmitting circuits are attached to a hub and the pressure sensor and the detecting and transmitting circuit are connected to each other by a harness.

It is respectfully noted that the Cormier, Sr. patent is directed to a device for monitoring and reporting the air pressure of a tire wherein a rim wheel transmitter 10 is held in position on the single hub tire 15 via a plurality of mechanical fastening

means 35 such as the tire lug nuts. A conventional tire valve 20 is connected to the rim wheel transmitter 10 via a tee-fitting 25 and a first connection hose 30.

It is clear from a review of the Cormier, Sr. patent that the pressure sensor is not mounted on the air valve with the detecting and transmitting circuits being attached to a hub and the pressure sensor and the detecting and transmitting circuit being connected to each other by a harness. It is respectfully submitted that the Cormier, Sr. patent does not set forth each and element as defined in the claims. Thus, the Examiner's rejection based on 35 USC 102 has been obviated.

In addition, it is respectfully submitted that the subject matter of claim 8 is not rendered obvious in view of the Cormier, Sr. patent in view of the fact that it would not be obvious to modify the Cormier, Sr. patent by mounting the pressure sensor on the air valve or to provide a harness disposed along a spoke of the wheel portion. The Examiner's rejection based on 35 USC 103 has been obviated.

As set forth in Section 2143.01, the eighth paragraph of the MPEP:

"If [a] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)

The Applicants respectfully submits that the proposed modification by the Examiner of the Cormier, Sr. patent renders the Cormier, Sr. patent unsatisfactory for its intended purpose and thus is not sanctioned by the provisions of 35 U.S.C. § 103.

NO PROSECUTION HISTORY ESTOPPEL

Claims 3 and 15 are hereby presented in independent form. No prosecution history estoppel would apply to the interpretation of the limitations set forth in claims 3 and 15 and the claims that depend therefrom in view of the fact that this subject matter has been continuously presented since the original filing date of the present application. In addition, claims 7-9, 11 and 12 have not been amended and thus no prosecution history estoppel would apply to claims 7-12.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

In view of the above amendments and remarks, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

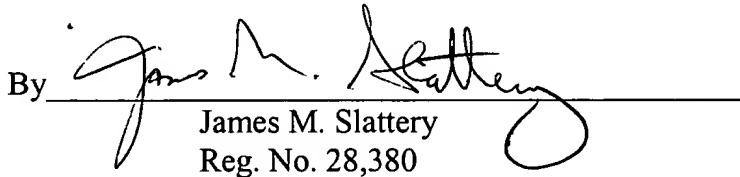
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (703) 205-8000 in the Washington, D.C. area.

A prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James M. Slattery
Reg. No. 28,380

JMS/mmi

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

0505-0904P